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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2006-46

13 **PAMELA JO SHORTER, A.K.A.**
14 **PAMELA SHORTER**
P. O. Box 1212
Anderson, CA 96007

STATEMENT OF ISSUES

Applicant/Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Statement
18 of Issues solely in her official capacity as the Executive Officer of the Board of Registered
19 Nursing, Department of Consumer Affairs.

20 2. On or about February 27, 2004, the Board of Registered Nursing
21 ("Board"), Department of Consumer Affairs, received an Application for Licensure by
22 Endorsement from Pamela Jo Shorter, also known as Pamela Shorter ("Applicant/Respondent").
23 On or about February 17, 2004, Applicant/Respondent certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in said application. The Board denied
25 the application on April 11, 2005.

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3. Section 480 of the Business and Professions Code (“Code”) provides, in

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1 5. Code section 2761 provides, in pertinent part:

2 “The board may take disciplinary action against a certified
3 or licensed nurse or deny an application for a certificate or license
for any of the following:

4 (a) Unprofessional conduct . . .

5 (f) Conviction of a felony or of any offense substantially
6 related to the qualifications, functions, and duties of a registered
nurse, in which event the record of the conviction shall be
7 conclusive evidence thereof.”

8 6. Code section 2762 provides, in pertinent part:

9 “In addition to other acts constituting unprofessional
10 conduct within the meaning of this chapter [the Nursing Practice
Act], it is unprofessional conduct for a person licensed under this
11 chapter to do any of the following:

12 (b) Use any controlled substance as defined in Division 10
(commencing with Section 11000) of the Health and Safety Code,
13 or any dangerous drug or dangerous device as defined in Section
4022, or alcoholic beverages, to an extent or in a manner
14 dangerous or injurious to himself or herself, any other person,
or the public or to the extent that such use impairs his or her
15 ability to conduct with safety to the public the practice authorized
by his or her license.

16 (c) Be convicted of a criminal offense involving the
17 prescription, consumption, or self-administration of any of the
substances described in subdivisions (a) and (b) of this section,
18 or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which
19 event the record of the conviction is conclusive evidence thereof.”

20 7. California Code of Regulations, title 16, section 1444, provides, in
21 pertinent part:

22 “A conviction or act shall be considered to be substantially
23 related to the qualifications, functions or duties of a registered
nurse if to a substantial degree it evidences the present or potential
24 unfitness of a registered nurse to practice in a manner consistent
with the public health, safety, or welfare.”

25 **FIRST GROUND FOR DENIAL OF LICENSURE**

26 **(Conviction of Crime)**

27 8. Grounds exist to deny the application of Applicant/Respondent
28 under Code sections 480, subdivision (a)(1), and 2761, subdivision (f), in that, as more

1 particularly set forth below, Applicant/Respondent was convicted of crimes substantially
2 related to the qualifications, functions, or duties of a registered nurse:

3 A. On or about July 26, 2004, in the case entitled, *The People v.*
4 *Pamela Jo Shorter*, (Super. Ct. Shasta County, 2004, No. 04-05189), Applicant/Respondent,
5 upon a plea of guilty, was convicted of violating Penal Code section 484, subdivision (a)/488
6 (petty theft), a misdemeanor. The circumstances of the conviction are that on or about
7 June 22, 2004, Applicant/Respondent willfully and unlawfully stole, took, and carried away
8 the personal property of another, to wit, Safeway.

9 B. On or about May 8, 2003, in the case entitled, *City of Billings v.*
10 *Pamela Shorter*, (Muni. Ct. City of Billings, 2003, No. 2003TR0003053), Applicant/Respondent,
11 upon a plea of guilty, was convicted of violating Montana Vehicle Code section 61-8-406 (per se
12 driving under the influence), a misdemeanor. The circumstances of the conviction are that on or
13 about April 5, 2003, Applicant/Respondent operated a noncommercial vehicle with an alcohol
14 concentration of 0.08 percent, or more.

15 **SECOND GROUND FOR DENIAL OF LICENSURE**

16 (Act Involving Dishonesty, Fraud, or Deceit)

17 9. Grounds exist to deny the application of Applicant/Respondent
18 under Code section 480, subdivision (a)(2), in that, as set forth under paragraphs 8(A),
19 Applicant/Respondent was convicted of petty theft, an act involving dishonesty, fraud, and
20 deceit, with the intent to substantially benefit Applicant/Respondent or another, or to
21 substantially injure another.

22 **THIRD GROUND FOR DENIAL OF LICENSURE**

23 (Acts as Grounds for Suspension or Revocation of a License)

24 10. Grounds exist to deny the application of Applicant/Respondent under
25 Code section 480, subdivision (a)(3), in that, as set forth under paragraphs 8(A) and 8(B),
26 Applicant/Respondent committed acts which, if committed by a licensee, would have been
27 grounds for suspension or revocation of that license for acts of unprofessional conduct under
28 Code section 2761, subdivision (a), as defined by Code section 2761, subdivision (f) (conviction


1 of substantially related crimes), and pertaining only to paragraph 8(B), section 2762, subdivision
2 (b) (dangerous use of an alcoholic beverage), and section 2762, subdivision (c) (conviction of a
3 criminal offense involving the consumption of an alcoholic beverage).

4 **PRAYER**

5 **WHEREFORE**, Complainant requests that a hearing be held on the matters
6 herein alleged, and that following the hearing the Board issue a decision:

- 7 1. Denying the Application of Pamela Jo Shorter, also known as Pamela
8 Shorter for Licensure by Endorsement; and,
9 2. Taking such other and further action as deemed necessary and proper.

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11 **DATED:** 10/7/05

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15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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